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Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Note verbale dated 15 June 2000 from the Permanent Mission of Papua New Guinea to the United Nations addressed to the Secretary-General

The Mission of Papua New Guinea to the United Nations refers to the invitation by the Government of France, addressed to a number of Missions accredited to the United Nations, to participate in a visiting mission to the non-self-governing territory of New Caledonia in 1999 and attaches herewith a copy of the report of the visiting mission (see annex).

The Mission of Papua New Guinea would appreciate it if the report could be circulated to all Member States, observer States, international organizations accredited to the United Nations, and all United Nations subsidiary organs and bodies prior to the consideration of item 18 of the provisional agenda, entitled "Implementation of the Declaration on the granting of independence to colonial countries and peoples", at the fifty-fourth session of the General Assembly.

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Annex

Visiting mission to New Caledonia

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FORWARD & ACKNOWLEDGMENTS

The members of the delegation are grateful to the Government of France for inviting them to participate in a visiting mission to the Non-Self-Governing Territory of New Caledonia in 1999 and for the opportunity afforded to them of witnessing the installation of the first Customary Senate, an institution provided for in the Noumea Accord.

The delegation also wishes to express its appreciation for the assistance given by the French High Commissioner, Mr. Thierry Lataste and his staff who made our visit hospitable and memorable. Counsellor Francois-Xavier Carrel Billiard of the Mission of France to the United Nations accompanied the delegation to New Caledonia, and his help was very much appreciated. Above all, the success of the visit owed a great deal to the constructive involvement of all the parties to the Noumea Accord.

We commend the report contained herein to the members of the United Nations General Assembly and, in particular, to the membership of the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

.....
H. E. Mr. Peter Donigi, CBE
Ambassador/Permanent Representative
Papua New Guinea & Delegation Leader

.....
Mr. Juan Eduardo Eguiguren
Counsellor, Mission of Chile
Member

.....
Mr. Selwyn Arutangai,
Charge d'Affaires of Vanuatu
Member

INTRODUCTION

1) The Government of France invited a delegation of representatives to the United Nations to participate in an information mission to New Caledonia from 23 to 28 August 1999. The purpose of this mission was to observe the initial stage of the implementation of the Noumea Accord signed on 5 May 1998 by the representatives of the Front de Liberation Nationale Kanak Socialiste (FLNKS) (pro-independence) and the Rassemblement pour la Caledonie dans la Republique (RPCR) (anti-independence) and the Governmnent of France. This invitation was in response to and in compliance with General Assembly resolution 53/65 of 3 December 1998.[1]

2) The visiting mission to New Caledonia was composed of Ambassador Peter Donigi, Permanent Representative of Papua New Guinea, leader of the mission, the Chargé d'Affaires of the Permanent Mission of Vanuatu Mr. Selwyn Arutangai, and the Counsellor of the Permanent Mission of Chile, Mr. Juan Eduardo Eguiguren. Chile and Papua-New Guinea are members of the Special Committee on Decolonization on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, of which Ambassador Donigi is the current Chairman. Prior to departure to New Caledonia, Ambassador Donigi informed the Special Committee of the invitation by the Government of France and obtained the Special Committee's endorsement for accepting the invitation.

II. THE QUESTION OF NEW CALEDONIA IN THE UNITED NATIONS

3) In 1986, the members of the South Pacific Forum, supported by the Conference of Heads of State or Governments of Non Aligned Countries, requested the General Assembly to inscribe New Caledonia in the list of Non-Self-Governing Territories of the Special Committee.[2]

4) By resolution 41/41A of 2 December 1986, the General Assembly decided that New Caledonia was a Non-Self-Governing Territory, and declared that an obligation existed on the part of the Government of France to transmit information on the territory under Chapter XI of the Charter. The resolution also affirmed the inalienable right of the people of New Caledonia to self-determination and independence in accordance with resolution 1514 (XV), and requested the Special Committee to consider the question of New Caledonia.[3]

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[1] The resolution invited *"the administering Power to consider inviting to New Caledonia, at the time the new institutions are established, a mission of information, which could comprise representatives of the Pacific region"*.

[2] New Caledonia was one of the 74 territories enumerated in the1946 General Assembly resolution listing the territories on which the General Assembly received information pursuant article 73e of the Charter, but since 1947 no information on it was provided by the administering Power and subsequently it was excluded from the list.

[3] General Assembly Resolution 41/41 A, paragraphs 1 to 4 (Dec 2, 1986).

5) In explanation of its vote, France said New Caledonia was not a NSGT as defined under the Charter; that the people there would have the opportunity to express their views during the referendum scheduled for the summer of 1987, and that if the majority of them favoured independence, France would comply with their wishes.

6) Since then, New Caledonia has been one of the 17 remaining Non-Self-Governing Territories of the list held by the Special Committee. Every year the question of New Caledonia is examined by the Committee and by the General Assembly (Fourth Committee). Almost every year, the representatives of the FLKNS have addressed the Special Committee and the Fourth Committee, as petitioners. Since 1987, the General Assembly, on the recommendation of the Special Committee, has adopted a resolution on New Caledonia.

7) Notwithstanding the fact that the administering Power has not formally cooperated with the Special Committee during these years, France has been collaborative, *albeit* informally, since the initiation of the negotiations in 1987, and especially since the signing of the Noumea Accord. As an administering Power, France does not recognize formally the work of the Special Committee. The invitation to representatives of member States of the Pacific region to visit New Caledonia was made to the above-mentioned representatives on a bilateral basis and not to the Special Committee. In issuing this invitation, France was acting in full compliance with General Assembly resolutions on New Caledonia.

III. THE NOUMEA ACCORD AND ITS IMPLEMENTATION

8) New Caledonia comprises three provinces, two on the mainland (North and South Provinces), and the Islands Province, also known as the Loyalty Islands. The population of New Caledonia, according to the 1996 census, was 196, 836 of which 42.5% are of Melanesian stock (Kanaks). The Kanaks make up 97.1% of the population of the Islands Province and 77.9% of the North Province, whilst they make up only 25.5% of the population of the South Province. The second largest community is made up of Europeans who constitute 37.1% of the population. They are mostly of French origin or French by birth. The Europeans make up 50% of the population of the South Province, 16.9% of the North Province and 2% in the Loyalty Islands. The balance of the population is made up of people of mixed Melanesian/French origin, or immigrants or descendants of people from other Pacific Islands (Wallis Islanders - 8.4%; French Polynesia - 3.8%; Vanuatu - smaller percentage); and from Indonesia and Vietnam.

9) New Caledonia experienced serious upheaval between 1984 and 1988, owing to confrontations between proponents of the Territory remaining within the French Republic, most of whom were of European origin, and proponents of a move towards independence, predominantly the Melanesians (Kanaks).

10) In 1988, the French Government, the Rassemblement Pour la Caledonie dans la Republique (RPCR) led by Mr. Jacques Lafleur, and the Front de Liberation Nationale Kanak Socialiste (FLNKS) led by Jean-Marie Tjibaou, signed the

Matignon Accords, which provided for a period of ten years to be devoted to economic re-leveling among the communities within the territory. It also provided for a referendum on self-determination to be held in New Caledonia in 1998, restricted to an electoral body that excluded persons having arrived in the Territory after 1988.

11) However, in 1998 the parties considered that a referendum at that time could be dangerous, risking a polarization of the political situation that could jeopardize the political and economic advancement reached since the Matignon Accords. Therefore the idea of a negotiated, consensual solution was approved by the three partners.

12) The Noumea Accord[4] of 5 May 1998 is the result of this negotiating process. Under the terms of this Accord, the pro-independence Kanak and the integrationists, mostly of European-descent, opted for a negotiated solution rather than an immediate referendum on political status. Rather than asking the question whether to maintain New Caledonia within the French Republic or grant it independence, the consensual text of the Noumea Accord defined a new institutional organization that provided for full recognition of the Kanak identity; the installation of new political institutions; progressive transfer of powers from the State to the Territory and its provinces; the definition of a Caledonian citizenship, as well as a consultation process on independence within 15 to 20 years.

13) In order to implement the Noumea Accord, the French National Assembly and the Senate approved, on 6 July 1998, a constitutional amendment that called upon the people of New Caledonia to endorse the Accord in a forthcoming referendum, and defined the electorate eligible to participate in that referendum. It also provided that an organic law should ensure the evolution of New Caledonia in accordance with the guidelines set out in the Noumea Accord. This organic law was passed on 19 March 1999.[5]

14) Pursuant to this constitutional amendment, the referendum was held on 8 November 1998 in New Caledonia. Prior to the conduct of the referendum, the two major parties of New Caledonia (RPCR and FLNKS) campaigned for approval of the Accord among their respective constituents. In the referendum, the Accord was ratified by nearly 72% of the votes, with a record voter turnout of 74%. It must be noted that in the North and Island Provinces, both of which are controlled by the pro-independence group, the percentage in favour of the Accord was 86.6% and 95.5% respectively. In the South Province, the Accord was approved by 63% of the voters.

15) On 9 May 1999, elections for the Congress and Provincial Assemblies were held. At the Provincial level, a total of 74 seats (40 seats in the South Province, 20 seats in the North Province and 14 seats in the Loyalty Islands Province) were contested. The Congress is the deliberative assembly for New Caledonia. The Congress elects a Government, which is New Caledonia's Executive.

[4] The complete text of this document can be found in the annex of a Working Paper on New Caledonia prepared by the Secretariat (A/AC.109/2114).

[5] The full text of this law is available in French language at the Secretariat.

16) From the 108,359 voters inscribed, 80,935 participated in the elections (with an abstention of 25.30 %). Pro-independence candidates received 32,694 votes (40.39%). The anti-independence candidates obtained 46,475 votes (57.42%). Grouped around the main political groups in each sector, the FLNKS on the pro-independence side and the RPCR on the anti-independence side, are different political parties and coalitions.

17) The regrouping of the parties in provinces against those two main political parties, shows the following results:

Province	Inscribed	Voted	Pro Independent	% of Votes Cast	Anti Independent	% of Votes Cast
North	26047	17358	12860	74.09%	4227	24.35%
South	66367	51012	9723	19.06%	39870	78.16%
Islands	15945	12568	10111	80.45%	2378	18.92%
Total:	**108359**	**80938**	**32694**	**40.39%**	**46475**	**57.42%**

18) **Annex A** sets out the list of the newly elected members of the Congress of the Territory and of the Provinces and the list of the members of the new government of New Caledonia. The newly elected Congress composed of 54 members, elected Mr. Jean Leques (RPCR) as President of the Government of New Caledonia. The South Province, controlled by RPCR, elected Mr. Jacques Lafleur as President of its Assembly; the North Province, controlled by the FLNKS, elected Mr. Paul Neaoutyine as President, and the Islands Province, also controlled by the FLNKS, elected Mr. Robert Xowie, as President of its Provincial Assembly.

19) The Government of New Caledonia following the elections is controlled by RPCR. The FLNKS is in the minority in the Executive Government of New Caledonia.

IV. MISSION TO NEW CALEDONIA

A. BACKGROUND

20) The French Government prepared an ample program of work for the Mission of representatives to the United Nations. It comprised meetings with the French High Commissioner, with the newly elected President of the Government of New Caledonia, the heads of the three provincial assemblies, the leaders of political parties, the business community, the trade unions, and

the heads of some State development bodies. It also included visits to different projects and establishments.[6]

21) The Government of France had also invited, during the same period, a Ministerial Delegation of the South Pacific Forum, comprising the Deputy Prime Minister and Minister for Foreign Affairs of Fiji; the Minister for Foreign Affairs of Solomon Islands, and the Minister of Justice of Nauru. This was the fifth time that the Government of France invited a delegation of the South Pacific Forum[7] to New Caledonia, but the first time that it invited a delegation of representatives to the United Nations.

22) The report on the activities undertaken by the visiting mission consists of four parts: (a) meetings held with the elected authorities of the Territory, the Provinces, and leaders of political parties; (b) meetings with representatives of the business sector, including the Chamber of Commerce and the Employers Federation; two Trade Unions, and the Chamber of Guilds; (c) meetings held with the French High Commissioner, the Secretary-General of the French Administration and his staff and with the Representatives of the Agency for Rural Development and Land Reform (ADRAF); and, (d) the establisment of the Costumary Senate.

23) In **Annex B** we report on our visit to projects and establishments created in the Provinces since the signing of the Noumea Accord, and others established since the Matignon Accords.

B. MEETINGS WITH POLITICAL LEADERS OF NEW CALEDONIA

24) Meetings were organized with the following groups:

i) The RPCR and the President and elected representatives of the South Province

ii) The President of FLNKS and leaders of smaller parties supporting independence

iii) The President and officials of the North Province

iv) The President and officials of the Islands Province

RPCR & South Province

25) On 24 August 1999, the mission and the ministerial delegation of the South Pacific Forum held a meeting with Mr. Jacques Lafleur, the President of the Assembly of the South Province, who is also the leader of RPCR, a Member of the Congress of New Caledonia and Deputy to the French National Assembly . He was accompanied by members of his political party, who also

[6] The delegation wishes to acknowledge Ms Dominique Toulet, in particular who was retained to acted as interpreter to the delegation during the visit

[7] The South Pacific Forum had previously sent delegations to New Caledonia in 1991, 1993, 1996 and 1997.

occupy important posts in the government and in the Congress of New Caledonia and/or Provincial Assembly. Amongst those present was Mr. Jean Leques, President of the Government of New Caledonia, and Mr. Simon Loueckhote, President of the Congress.

26) At a formal meeting with Mr. Lafleur and his party, Mr Lafleur stated that the emancipation of New Caledonia would take place within the French Republic. He recalled that his political party had considered the United Nations and the Forum as adversaries. He stated that the political situation had evolved and that yesterday's enemies had become today's political opponents, recognising that it was not possible to go forward if the RPCR did not work together with FLNKS. The decision that had to be made in the future must be made on the basis of trust among all the parties involved. In any case, he stated, France would remain an indispensable partner. Mr. Lafleur expressed the view that there was a need to develop respect and understanding among the parties of the legitimacy of each other's ideas. He recalled that in the 1980s the end of the civil war was due in large measure to the considerable influence exerted by FLNKS leader Jean Marie Tjibaou. This permitted the New Caledonians to arrive at the Matignon Accords, and for the past 10 years the RPCR and the FLNKS had become partners. He added that the Matignon Accords had stipulated that a referendum on self -determination would be held in 10 years (1998). However, it was clear to all parties that such a referendum would have meant a victory for the minority. Therefore negotiations were necessary to avoid what he described as "a guillotine referendum". He stated that the Noumea Accord, which was the result of the process of negotiations between the parties (and the French Government) was now working well, making smooth elections possible and entering the post-election period without major problems.

27) Mr. Lafleur also stated that about 30% of the Melanesians supported the RPCR, a figure deliberately ignored by many. There was a need to develop better relations with the Pacific neighbours, he said and added that this first visit (of the Forum and of the representatives to the United Nations) should be repeated. For his part, he hoped to be able to visit the Pacific countries of the region.

28) The Deputy Prime Minister of Fiji as the Leader of the Forum delegation made a statement on behalf of the Forum. Subsequently, the leader of the mission of representatives to the United Nations briefed the meeting about the work of the United Nations and particularly, on the role played by the Special Committee on Decolonisation. He outlined the provisions of Article 73 of the Charter of the United Nations and the choices available to the people of New Caledonia, including independence, through the exercise of the right of self-determination. He concluded by inviting the Government of New Caledonia to send representatives to New York to address the Special Committee in the year 2000 and in future sessions.

FLNKS and Pro-Independence Parties

29) On August 24, the delegation met with Mr. Roch Wamytan, President of the FLNKS, who also is Member of the Government of New Caledonia, and who

is in charge of the relations with the Congress and with the Customary Senate. Mr. Wamytan is well-known to the Members of the United Nations, especially to those involved with the work of the Special Committee and the General Assembly on decolonization. Other leaders of the FLNKS, including members of Congress accompanied him. Mr. Wamytan reminded the visiting delegation that the FLNKS, created in 1984, brought the issue of New Caledonia to the United Nations in 1986, adding that the Noumea Accord was explicit on the relation between New Caledonian's emancipation and the United Nations, as expressed in Chapter 3.2. of the Accord, which stated that "the United Nations will be advised that New Caledonia's emancipation is under way". For this reason, he said that this first visit to New Caledonia of representatives to the United Nations was an historic episode.

30) Mr. Wamytan stated that the Noumea Accord's goal was to make the legitimacy of the Kanak population and the legitimacy of the population of European descent and of other groups living in New Caledonia, constitutionally compatible. This idea was recognized in the negotiations between the FLNKS and the RPCR, with the participation of the French Government. In the Preamble of the Accord, France and the parties recognized the colonial situation prevailing until then, which constituted an affront to the dignity of the Kanak people,and stressed the need to redress that situation.

31) The leader of the FLNKS said that the Noumea Accord recognized four main points:

i) rehabilitation of the Kanak identity;

ii) definition of the citizenship and the electorate;

iii) progressive transfer of powers from the State to the Territory and Provinces, culminating with a final act of self-determination in 15 - 20 years, after which there will be a decision on the transfer of the last powers exercised by France (defense, justice, police, monetary issues and those areas of foreign relations which would not have been transfered), and

iv) assistance for development provided by the State throughout the process.

32) He recalled that the Noumea Accord was ratified in November 1998 by 72% of the electorate and that the elections held in May 1999 signaled increased support for the FLNKS.

33) Mr. Wamytan also mentioned three aspects related to the implementation of the Noumea Accord, which are of concern to the FLNKS. These were:

i) The Noumea Accord established eligibility requirements for voting based on residency. The Accord provided that those who were born in New Caledonia before 1988 and had lived in New Caledonia from 1988 to 1998 can participate in a referendum vote on the question of the right to self-determination. Those who were born after 1988 but have one parent who fulfilled the criteria for voting in the referendum held in 1998 were also eligible to participate in the referendum. The constitutionality of these provisions of the Noumea Accord and the Referendum Act was challenged before the Constitutional Council. The Council gave a ruling that the provisions were unconstitutional. In order to facilitate the implementation of the provisions and spirit of the

Accord, the Government of France and New Caledonia favoured amendments to the Constitution of the Republic of France. The amendments were voted on by the French National Assembly and the Senate. At the time of the visit to New Caledonia, the amendments required ratification by a joint session of the Senate and the National Assembly to enter into effect.[8] It was pointed out to the visiting delegation that Mr. Lafleur voted against the amendments in the National Assembly. This raises questions in the minds of FLNKS members as to the true intentions and commitment of RPCR to the implementation of the Accord and the spirit in which it was made.

ii) In the political arena, Mr. Wamytan complained that the rules of the game were changed after the March elections, arguing that RPCR looked for a different partner to implement the Noumea Accord, a small political party composed of Melanesian people who did not sign the Accord. The RPCR also made an alliance with the rightist National Front in order to implement the Accord in conformity with their own views. This action meant that the FLKNS, a main signatory of the agreement was marginalised. This attitude affected the concept of collegiality ("*faire cohabiter la logique democratique et la logique de consensus*"). Mr. Wamytan stated that there was a consensus that the majority (RPCR) was going to share power with the minority (FLKNS), but the actual situation was contrary to the understanding reached during the negotiations and the signing of the Noumea Accord.

iii) In relation to the transfer of equity of capital of Eramet[9], Mr. Wamytan stated that there was a shared view that political emancipation must go hand in hand with economic emancipation in New Caledonia. This means full control of the economic resources of the Territory. With that goal in mind, during the negotiations that led to the Noumea Accord, it was decided that a company should be created which would provide for equity to be given to all three Provinces. SOFINOR (which belonged to the North Province, controlled by the FLNKS) was supposed to control 51% of the shares of this company. Mr. Wamytan added that RPCR changed its mind subsequently and proposed that the equity in the company should be controlled by the government of New Caledonia and not by the Provinces. In this regard, we were informed that Mr. Lafleur sent a letter to the French President to request that the transfer should be made to the government of New Caledonia, currently controlled by RCPR, and not to the Provincial Governments. This issue is of concern to the FLNKS.

34) Mr. Wamytan said that the FLNKS is totally involved in the implementation of the Noumea Accord and intends to continue to work within that framework. Recalling that at the end of 1999 there was to be a meeting of the three signatories of the agreement, he expressed the hope that a solution could be found to the problems which stood in the way.

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[8] At time of completing this report, the joint session of the Senate and the National Assembly had not yet met to consider the proposed amendments.

[9] Eramet was formerly a French State-owned company involved in the nickel industry including in New Caledonia.

35) Finally he said that in October, the FLNKS would participate, as a petitioner, in the Fourth Committee's consideration of the decolonisation issues, (which indeed was the case). Noting that two of the delegation's members form part of the Special Committee, he urged the Committee to continue its monitoring of the situation in New Caledonia and the implementation of the Noumea Accord. He stated also that they recognized that the French Government is responsible for the implementation of the Noumea Accord, not simply as a mediator but also as a relevant and important actor.

Presidents of the North and Islands Provinces (Pro-independence)

36) The French authorities arranged for the visiting mission to meet with the elected leaders of the two other provinces that comprise New Caledonia. On August 25 the Mission was received by Mr. Paul Neaoutyine, President of the North Province, leader of UNI-PALIKA (Union Nationale pour l'Independence, associated to FLNKS), who is also Mayor of Poindimie. On August 26, a meeting was held with Mr. Robert Xowie, President of the Islands Province (FLNKS). Both are Members of the Congress of New Caledonia.

37) Mr. Neaoutyine, President of the Assembly of the North Province, acknowledged the importance of the visit of the delegation from United Nations Headquarters, stating that this opens a new era, as did the the signing of the Noumea Accord. He also said that most of the remaining problems are not with the French Government but with the RPCR, the political party which has acquired some important powers transferred to the Government of New Caledonia. He stressed later that the principal goal of the FLNKS is to achieve independence for New Caledonia, adding that the Noumea Accord reflects a consensus to rebalance the political and economic situation. Mr. Neaoutyine briefed the delegation on the economic situation of the province, including the question of the property of the nickel mining corporation, which constitutes a major industry and the focus of development in the region.

38) Mr. Xowie, President of the Assembly of the Islands Province, said while there had not been a displacement of people from the Islands to the mainland, such displacement had taken place from the North Province to the South, and in the South Province itself, where many Melanesian families had to move to the reservations near the Noumea area in colonial times. Nevertheless, the Province was facing serious problems in relation with development owing to its isolation and lack of communications. He underlined that tourism could be an important factor, and needed further development.

C. MEETINGS WITH THE BUSINESS COMMUNITY

Leaders of Chamber of Commerce and Industry, Employers Federation, Guild Chamber and Workers Unions

39) On 24 August, the delegation held a meeting with the representatives of the Chamber of Commerce and Industry and of the Employers Federation, led respectively by Mr. Michel Quintard and Mr. Jean-Jacques Mouledos. They stated that:

i) The principal economic resource of New Caledonia is nickel mining. New Caledonia's production represents 15% of the world production but processes only 50% of its production and exports the balance for processing in Japan and Australia. It was important to increase the capacity of its processing facilities within the country.

ii) There is great potential to develop tourism, which would create new employment opportunities.

iii) There was no data on employment by ethnic categories, and therefore it was not possible for them to inform the delegation about the employment situation of ethnic Melanesians. Nevertheless, they said that it was known that public administration was a major source of employment for Melanesians. There were significant differences between the situation in Great Noumea, which is an industrialized area, the situation in the North, with its mining and agriculture, and the situation in the Islands, which is mainly a natural reserve.

iv) New Caledonia is self-sufficient in beef and pork, but it imports mutton from New Zealand. It is also self-sufficient in most crops, which it also exports. New Caledonia exports fish and prawns to Japan. In the agrarian industry sector, it produces soft drinks, beer, chocolate, pasta, detergents and other products.

40) With regard to the Noumea Accord, representatives of both chambers said that they want to keep an economic, non-political, approach to the process, adding that the Accord gives the country a period of 15 to 20 years of stability, which will permit the arrival of new investments and the expansion of the economy, due also to an increase in their trade relations with their neighbors, starting with Australia and New Zealand. They mentioned as future possible developments the airline network, which should be enlarged, and the possibility of commercial negotiations with other countries, which would start in 2000 with the corresponding transfer of power.

41) On that same day, the delegation met with the President of the Chamber of Guilds, Mr. Bernard Renauld, who told the delegation that the "*metier*" industry is the largest employer, and stated that his Chamber was working closely with the people in implementing the Noumea Accord with regard to re-balancing economic inequalities. In that connection, the delegation was informed of the important work that the Guild was carrying out with the help of the French Government, specially in training Melanesian youth in handcrafts, a sector which is expected to develop with the advent of tourism.

42) On 27 August the delegation met with two Union leaders from USTKE (Union Syndicale des Travailleurs Kanaks et Exploites), and of USOENC (Union Syndicale des Ouvriers et Employes de Nouvelle-Caledonie), Mr. Louis-Kotra Uregei and Mr. Didier Guenant, respectively. Both leaders were accompanied by Union representatives. They stated that they were pleased that this mission was taking place and recalled the long struggle to place the issue of New

Caledonia on the agenda of the United Nations General Assembly. Both Unions worked in support of the rights of New Caledonian workers, and both are strongly committed to the Noumea Accord. Their difference may be found in that USTKE was mainly a Union formed by Melanesians independent supporters, while the USOENC, the larger Union of the Territory, was comprised of workers of different ethnic origin, including a majority of Melanesians.

43) Mr. Uregei expressed confidence that the Noumea Accord would be implemented, but at the same time he maintained some reservations, because the Noumea Accord, like any human product, was not perfect, and still revealed some imbalance, especially in the area of citizenship and immigration. He stated that since 1988, the year of the Matignon Accord, more than 20,000 people had arrived in the territory, mainly from Asia. This was equivalent to 20% of the Kanak population.

44) The USOENC leaders also stated that the implementation of the Noumea Accord had not been easy, explaining that since the May elections the RPCR had put into force an informal mechanism of a "dictatorial type", taking advantage of the internal divisions experienced by the FLNKS. Mr. Guenant said that the RPCR intended to profit from the transfer of power in the area of labour, to change the French Labour Law that applies to the territory, to follow a liberal policy to curtail the rights of workers and of the labour movement[10], and to allow employers to take full control of the economic tools of the country. They saw a widening of the gap between the spirit of the agreement and its implementation. In this regard, he recalled that since the signature of the Noumea Accord, the USOENC had requested the French Government to remain a guarantor of the process of implementation of the Noumea Accord.

D. MEETINGS WITH FRENCH HIGH COMMISSIONER & STAFF

45) The High Commissioner and Delegate of the French Government, Mr. Thierry Lataste, welcomed the delegation on August 24, 1999. He explained the background to the Noumea Accord and his position as the representative of the Government of the Republic of France in Noumea. He explained that as from January 2000, the role of the State would progressively be reduced over the period of the Noumea Accord, with the exception of four areas, justice, law and order, defence and currency matters, plus those areas of foreign affairs which would not have been transferred. He mentioned in particular that in some areas such as trade, the New Caledonian government would have powers to enter into trade agreements with neighbouring countries without the necessity of seeking the French Government approval. He also highlighted the fact that the government of New Caledonia would send a delegation to the South Pacific Forum meeting to be held in Palau on October 1999, to seek observer status.[11]

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[10] During the time of our visit there were strikes in progress and Mr. Lafleur, President of the RPCR and of the South Province and owner of some of the businesses affected by the strike, was involved in public negotiations with the striking unions.

[11] The South Pacific Forum granted observer status to New Caledonia at its meeting in 1999.

46) The High Commissioner also briefed the delegation about the constitutional amendments to the French Constitution required to facilitate the implementation of the spirit of the Noumea Accord in respect to the question of the citizenship criteria for New Caledonia. He explained that the spirit of the Noumea Accord was that all persons who arrived after 1998 would not have an automatic right to vote at the local elections at any time after that date nor will they participate at the referendum on the status of New Caledonia. Those who were born after 1988 and who resided continuously between 1988 and 1998 in New Caledonia or if they were born after 1988 have one parent who fulfilled the eligibility requirement to vote in the 1998 referendum can participate in the referendum for the right to self-determination. Those who were residents prior to 1989 or who can prove one ancestor to be a New Caledonian resident before 1989 can participate in the referendum. Those who arrive after 1998 may participate in the referendum if they are able to prove their continuous residency for 20 years before the date of the referendum.[12]

47) The constitutionality of the Noumea Accord in terms of residency and the right to vote was challenged before the Constitutional Council in France, which found it to be restrictive on the rights of citizens of France. In order to avoid the constitutional problem the Government of France decided to amend the French Constitution to comply with the spirit of the Noumea Accord. The proposed constitutional amendment had been passed by the French National Assembly and by the Senate[13].

48) Following the welcome meeting with the High Commissioner, the delegation met briefly with the Departmental Heads of the High Commission. The delegation als met with the Agency for Rural Development and Land Settlement (ADRAF). The following is a summary of the results of both meetings:

i) During the 1850s, the French authorities declared a number of reserves on the main island, moved the Melanesian peoples into those reserves and declared all other land government land. The land was then allocated to French settlers who could prove their ability to put untilled land to productive use. Thus, since colonial times as early as 1853, the Melanesian population had been displaced and dislocated from their cultural heritage. Since the signing of the Matignon Accords, the French Government had, through ADRAF, increased the purchase of private and public lands and returned them to the Melanesians (individually, by clan or by tribes). This process of land reform also entailed conducting mediation between clans and members of clans and tribes to identify the boundaries. This was difficult due to the long period of absence from the land. However, some progress had been made. Between 1978 and 1999, close to 150,000 hectares had been purchased and about 125,000 hectares had been transferred back to the Melanesians. The returns had been free of charge to the Melanesian transferees. It was pointed out that the Loyalty Islands were not subjected to the dislocation process as the French Government had declared all those islands to be native reserves. There was therefore no requirement to repurchase any lands in the Islands Province.

[12] Section 2.2 of the Noumea Accord.
[13] See paragraph 32 (i).

ii) The French Government had recognised that education is a priority and had committed substantial funds into the education of the Melanesian population. The Noumea Accord recognised the need to pursue efforts to achieve a new balance and prepare Kanaks for responsibilities in all sectors of the economy.

iii) The French Government had also adopted a policy of positive engagement in the North and Islands Provinces which were predominantly controlled by Melanesians. This policy required concerted effort in those Provinces so as to elevate the people and the Provinces to a level comparable to that of the South Province. This was reflected by the following:

(1) **Access to the mining resource:** Prior to the Noumea Accord the French Government assisted in the transfer of mining rights in the Koniambo massif. This transfer allowed for the construction of a smelter in the North Province (in a joint venture with the Canadian company Falconbridge) to go ahead. Furthermore, in accordance with the Noumea Accord, the French Government had decided to transfer 30 per cent of the capital of Société Le Nickel (SLN) to a public structure which would be formed by the Provinces of New Caledonia. With this structure, New Caledonia would also acquire an 8 per cent share of the capital of Eramet.[14]

(2) **Substantial funding for infrastructure development:** There is a paved road between the North and South provinces. There is a paved road running north to south of the island of Lifou, where the capital of Islands Province is located. There is electricity supply along the highways and government school facilities and health clinics and substantial wharfs with state of the art facilities in all Provinces. The delegation visited some of those establishments in the North and Islands Provinces and was very impressed with their maintenance.

E. ESTABLISHMENT OF THE CUSTOMARY SENATE

49) As stated in the introduction to this report, the visit of the delegation responded to General Assembly Resolution 53/65 by which the General Assembly invited the administering Power to consider inviting to New Caledonia a mission of information *"at the time the new institutions are established"*.[15] Perhaps the most important and historical event in which the delegation participated during its visit to New Caledonia was in the establishment on 27 August, 1999, of the Customary Senate, an institution created by the Noumea Accord.

50) The Noumea Accord stipulates that *"the full recognition of the Kanak identity requires Customary Status and its links with the Civil Law Status of persons governed by ordinary law to be defined and provision to be made for the place of customary bodies in the institutions, particularly through the establishment*

[14] (cf. doc A/AC.109/1999/6 paragraphs 25 and 26). During its visit to the North Province, the mission was briefed on this project by officials of the North Province and by Falconbrigde.

[15] UNGA Resolution 53/65, paragraph 5.

of a Customary Senate...".[16] It then adds that *"the Customary Status will make a distinction between property located in the "Customary Land" (new name for Reserves), which, in the case of inheritance, will be transferred and allocated in accordance with the rules of customs, and property located outside Customary Land, which will be governed by the rules of ordinary law".*[17] Referring to the Congress and the Provincial Assemblies, the Noumea Accord states that *"draft laws of the country and draft resolutions will be referred to the Customary Senate whenever they concern the Kanak identity as defined in this document"*[18].

51) The Customary Senate is composed of 16 members appointed for a term of six years. There are eight customary areas, each of which is required to appoint two representatives to represent it at the Customary Senate[19]. The Customary Senate will be represented in the Economic and Social Council of New Caledonia[20] (another institution established by the Noumea Accord)[21], and in other Councils and Agencies in the Territory.

52) The ceremony of installation of the Customary Senate took place in the Hall of the Community of the Pacific. It was chaired by the President of the Government of New Caledonia, Mr. Jacques Leques, and by the Member of the Government dealing with Customary Affairs Mr. Roch Wamytan. Both international delegations, that of the South Pacific Forum and that of the United Nations were invited to witness this solemn occasion in which the 16 new Customary Senators initiated their office, and one of them, Grand Chief Andre Thean-Hiouen was elected as the first President of the Customary Senate.

53) The establishment of the Customary Senate marked the institutional recognition of the Kanak identity in New Caledonia. The leader of our delegation was invited to speak during the inaugural ceremony. He underlined the historical importance of the occasion and informed the Customary Senators and other authorities about the role of the United Nations, and in particular of the Special Committee and about the process of decolonisation. He stressed the important role, which the Customary Senate can play in the transition towards peaceful exercise of the right of self-determination.

V. OBSERVATIONS AND RECOMMENDATIONS

54) This is the first time that an invitation was extended by the French Government to members of the United Nations to visit New Caledonia, a Non-Self-Governing Territory re-inscribed in the list of the Special Committee in 1986. This visit, which responded to General Assembly Resolution 53/65, allowed the delegation to witness first hand the evolution of the situation of the territory within the framework of the initial phase of the implementation of

[16] Noumea Accord, Paragraph 5 of the Preamble.
[17] Noumea Accord. Paragraph 1.1 of the Policy Document.
[18] Noumea Accord. Paragraph 2.1.4 of the Policy Document.
[19] Noumea Accord. Paragraph 1.2.5 of the Policy Document.
[20] Nouma Accord. Paragraph 2.1.4(b) of the Policy Document.
[21] The Economic and Social Council was consequently established in February 2000.

the Noumea Accord of 1998. By the present report, the delegation is informing the Secretary General and member States, in particular those who are members of the Special Committee, on the results of this visiting mission.

55) The delegation is very impressed with the efforts, the funding and the will of the administering Power to do what is necessary to implement the Noumea Accord. It must be recognized that many of these actions were started by the Government of France after the signing of the Matignon Accord in 1988. There has been substantial dedication to equalizing development in all three provinces. This involves a concerted effort at all levels of government to upgrade facilities in the two Kanak (Melanesian people) controlled provinces of North and Islands Provinces to bring them to a level of development equal to the South Province which is substantially controlled by people of European descent, mainly of French origin. The French Government arranged for the mission to visit a number of places, projects and development resorts in the North and Islands Provinces and to the Tjibaou Center in Noumea.

56) The delegation is further impressed that the French Government has established a Trust Fund to purchase land from settlers and other territorial government land for redistribution at no cost to the Kanak people. The purchase of land and redistribution process has commenced. This rectifies to a certain degree the historical fact whereby in the 19th century the Kanak people were forcibly and unjustly herded into reservations and deprived of their traditional land rights.

57) The delegation notes that the French Government is willing to transfer control and equity in the nickel mines to New Caledonia. The modalities of such transfer have not yet been finalized[22]. The delegation shares the opinion that it is very important to create opportunities for the Melanesian peoples to participate constructively in economic activities, including the mining industries. One way of doing this would be by transferring control equity to the North Province (that is predominantly inhabited by Kanaks and which has important mining resources).

58) Questions were posed in relation to compensation to the Kanak landowners where the nickel resources are located. Elicited explanations were given, that it would be difficult to identify the descendants of the original landowners as the Kanak were for generations forcibly isolated and divorced from their land, destroying all links and memory as to boundaries between clans.

59) There is a French military presence in Noumea, the capital of New Caledonia. Previous General Assembly resolutions have called on the administering Powers to terminate all military activities and bases in Non-Self-Governing Territories. The delegation was ferried to the North and Islands Province by

[22] At the time of the visit there was disagreement as to whether the transfer should be to the Territorial Government or to the North Provincial Government with minority stakes given to the South and Islands Provincial Governments. Since the visit, the mission has been informed by the French authorities that there now is an agreement between the French Government and the signatories of the Noumea Accord to create an interprovincial company formed by the three provinces and which would receive the sum of one billion French francs that the French Government has committed to grant to New Caledonia in order to finance its participation in up to 30 per cent of the capital of SLN and up to 8 per cent of the capital of Eramet. The respective shares of each of the three provinces in this interprovincial company, called Société Territorielle Caledonienne de Participation Industrielle (STCPI), remain to be defined.

the French military helicopters. This in no way compromised the independence of the delegation's views as to the presence of the French Armed Forces in New Caledonia. It is the view of the delegation that the presence of the French military is a stabilizing factor between two groups, so long as it remains impartial and its role is not to suppress the right of the people to self-determination. Similarly, its rapid response in times of natural disasters to assist other small island states in the Pacific has proven to be of immense value to the region as a whole.

60) The Noumea Accord is the result of thorough negotiations between the two main parties in New Caledonia and the French Government, which has received the commendation and support of the United Nations General Assembly. The Noumea Accord and its plan of action must be implemented and honored by all the parties.

61) As reflected in this report, the delegation heard some concerns expressed by some representatives they met, in particular by those who do not control the Government of New Caledonia, mainly the FLNKS. As any agreement, the Noumea Accord may be not perfect, but its dispositions allows the interested parties to be able to solve those concerns in a peaceful and negotiated manner. The active involvement of the Government of France should help the parties to solve any problem that could arise during the process.

62) While both main parties - RPCR and FLNKS - hold until now opposing views in relation to what should be the outcome of the referendum on self-determination that will be held in New Caledonia in 15 to 20 years, it is very important to stress that the final outcome will nevertheless represent the political option for all the people of New Caledonia.

63) Those in favor of independence as well as those in favor of remaining a part of France should take into account that this period of 15-20 years is a perfect time to try to understand the position of the other and to convince the other of the merits of the own cause. In particular, the Kanak people must be prepared to share power in an independent New Caledonia with all other races based on universal suffrage. During this period it is very important to establish the basis that will permit all opposing sides to transcend the Kanak/European ethnic lines.

64) The head of the delegation stated in New Caledonia that according to General Assembly resolutions, in particular resolutions 1514, 1541 and 2526, there are different options for the people of New Caledonia, all of them valid, including independence, free association with an independent state, integration to an independent state, or some other form that could be freely agreed upon by the inhabitants of a Non-Self-Governing Territory in their exercise of their inalienable right to self-determination.

65) Since the question of New Caledonia became an issue of the Special Committee in 1986, the representatives of the FLNKS have been addressing the Special Committee and the Fourth Committee of the General Assembly in their capacity of petitioners. At this stage, the delegation expressed to its counterparts that it would be very important, also, for the Government of New Caledonia to send an official delegation to the United Nations when this matter is examined.

66) The administering Power has a key role to play during the process of implementation of the Noumea Accord. Notwithstanding the powers that will remain under the responsibility of the French State until the new political organization is introduced in 15-20 years time, it will be of the utmost importance that the French Government continue to serve as guarantor of the full implementation of the Accord. The French Government must remain ready, if necessary, to mediate between the parties and to help in the search of a solution of any problem that could arise in the future.

67) In conformity to its resolution 54/88, the General Assembly decided to keep under continuous review the process unfolding in New Caledonia as a result of the signing of the Noumea Accord, requesting the Special Committee to continue to examine this question. The administering Power and the parties involved should be assured that the United Nations, and in particular the Special Committee, will be ready to offer any support that is needed during the process of implementation of the Noumea Accord.

68) In this regard, France should consider the Special Committee a partner in the process of implementation of the Noumea Accord, taking into consideration that both, the administering Power and the United Nations are sharing a common view in relation to the question of New Caledonia. For this reason, and realizing that there is a fluid and positive collaboration as this invitation to New Caledonia reflects, the delegation calls upon the Government of France to participate formally with the Special Committee, so as to facilitate a more productive, impartial and concerted effort towards the implementation of the Noumea Accord, the Charter of the United Nations and the General Assembly resolutions.

Appendix I

Authorities in New Caledonia

State	French High Commissioner	Thierry Lataste
Government		
	President	Jean Lèques
	Vice President	Leopold Jorédié
	Member	Annie Beuste
	Member	Yves Magnier
	Member	Maurice Ponga
	Member	Philippe Gomès
	Member	Pierre Maresca
	Member	Roch Wamitan
	Member	Déwé Gorodé
	Member	Gérald Cortot
	Member	A Manuohalalo
Congress		
	President	Simon Loueckhote
	1st Vice President	M.N. Thémereau
	2nd Vice President	Roch Wamitan
	3rd Vice President	Cono Hamu
	4th Vice President	Louis Maperi
	5th Vice President	Robert Vifoyatea
	6th Vice President	Sosimo Malalua
	7th Vice President	Alosio Sako
	8th Vice President	France Debien
	Secretary	Bianca Henin
	Secretary	Germain Padome
	Questor	Jean-Pierre Aïfa
	Questor	Pascal Naouna
Customary Senate (16 members)	President	Grand Chief Andre Thean-Hiouen
Economic and Social Council (39 members)	President	Bernard Paul

Provinces

Southern Province

President	Jacques Lafleur
1st Vice President	Pierre Frogier
2nd Vice President	Pierre Bréteigner
3rd Vice President	Marianne Devaux

Northern Province

President	Paul Néaoutyine
1st Vice President	J-P Diahaioue
2nd Vice President	Cézélin Tchoéaoua
3rd Vice President	Daniel Poigoune

Loyalty Islands Province

President	Robert Xowie
1st Vice President	Damùien Yeiwéné
2nd Vice President	J-F Lalie
3rd Vice President	Charles Washetine

Appendix II

Visits to establishments and development projects

THE NORTH HATCHERY & AQUACULTURE FARM (FOUE, NORTH PROVINCE)

1) New Caledonia has two hatchery plants, one in the North and one in the South and it is, through France, the top-ranking European producer of prawns with an annual production of close to 1300 tonnes of which more than two thirds are exported. An output of 5000 tonnes per year is regarded as a feasible medium-term goal. Most of the export goes to Japan and France and the remainder goes to French Polynesia.

2) Both plants employ some local inhabitants in their operation. The prawn production is organised around a company, which centralises processing and marketing. The production sector is fully autonomous, integrated with hatcheries and feeding meal production plants.

3) The French Research Institute for Exploitation of the Sea (L'Institute Francais de Recherche pour l'Explotation de la Mer - IFREMER) has, in addition, initiated programmes for aquaculture of oysters and clams.

THE NEW CALEDONIA AGRICULTURE SCHOOL (POUEMBOUT, NORTH PROVINCE)

4) Cash crops account for 97% of New Caledonia's cultivated land. The main crops grown are cereals (maize especially), fruit and vegetables, coconut for copra, coffee and timber. Traditional food crops, which are basically yam, taro and sweet potato, still form an important part of the local people's diet.

5) However, on the whole, the territory imports more agricultural commodities than it produces, particularly cereals. Squash and lychee have met with considerable success on export markets, while lime, mango and avocado hold promise.

6) Beef cattle farming continues to dominate the territory's livestock production. It is conducted on extensive ranches and has given New Caledonia's rural life its characteristic outback flavour. New Caledonia also produces enough pork to meet local demand, while the more recent deer farms are expanding rapidly.

7) New Caledonia's Agricultural School situated in the Northern Province some 250 kms from Noumea can accommodate up to 156 boarding students (boys and girls). It is a General Knowledge and Agricultural Technical Institution comprising a Professional Training and Agriculture Development Centre and an Appending Farm covering some 176 ha used mainly for cattle breeding. It has a double educational vocation, that is, it prepares High School Examination (Baccalaureate STAE) as well as Technical Degrees (BEPA, BTA, BTSA). Its other goals include rural organisation experiments and international cooperation.

8) The school has exceptional equipment at all levels, which include data processing, laboratories, audio-visual, research department and sports.

9) The 176-hectare farm has two main purposes. Managed as a private farm, its main goal is to serve as a full size workshop for the pupils and students in the technical and economical fields. Secondly, it works together with various agricultural organizations as well as with local farmers who endeavour to maintain it as a forerunner of New Caledonian agriculture.

10) The courses in general or technical knowledge are divided into modules around a main subject; team work is compulsory and each module has one or more well-defined objectives. The pupils are well aware of the goals the teacher expects them to achieve. The examination is spread over two years as a score of so-called certifying tests, each of which are preceded by training or "formative" exercises. This score represents 50% of the examination. The rest is obtained through three final tests at the end of the cycle, one dealing with general knowledge, another with scientific matters and the last being an oral examination based on a 12-week work experience. The tests are certified by an outside, independent commission.

THE NATHALO CATHOLIC PRIMARY SCHOOL (LIFOU, ISLANDS PROVINCE)

11) Education will form the basis for the advancement and progress of the people of New Caledonia and it is central to the implementation of the Noumea Accord and the re-balancing process. It will help to map their course within the time frame of the next 15-20 years. That is why so much emphasis has been placed on the development of education at all levels especially in the last 10 years, whether it be through private or public schools.

12) Under the Noumea Accord, *"a specific program, involving secondary, higher and vocational education, which will follow up the "400 Managers" Programme will pursue the aims of realignment and to prepare Kanaks for responsibilities in all sectors of activity"*.[1]

13) The Nathalo Catholic Primary School is run by the Catholic Church, which is predominant in the area. Primary Education is compulsory. It has a mixture of local and expatriate teachers.

THE WE HIGH SCHOOL (WE, LIFOU, ISLANDS PROVINCE)

14) The We High School is one of the modern High Schools in New Caledonia, with 740 pupils. It has well equipped classrooms with computers and so forth making it easier to access the outside world through its communication system. While it has boarding facilities to accommodate those who reside a long way away, quite a substantial number are day boarders. However, in

[1] Clause 4.1.2, Second paragraph.

order to keep up with their boarding colleagues, they are required to do their own individual studies before leaving for their homes each day. While there are a few local teachers, most of them are expatriates.

THE OULOUP DISPENSARY CLINIC (OUVEA, ISLANDS PROVINCE)

15) Health services have been given attention in the last 10 years of Kanak development. Speaking during the signing of the Noumea Accord, Mr. Jean-Jack Queyranne, the Deputy Minister of Overseas Departments and Territories, pointed out that re-balancing of public investments had been arranged through highly pro-active financial mechanisms in the Referendum Law and through development contracts. New Caledonia has escaped the budgetary constraints that the French State budget has had to face and this is evident in the development of public infrastructure such as schools, hospitals, roads, airports and ports.

16) The clinic is a modern building with up-to-date equipment. It covers a total population of 21,000 inhabitants in Islands Province and is managed by an expatriate on contract from France. It attends 70,000 consultations per year, and 10,500 admissions for hospitalization.

THE PROVINCIAL INFRASTRUCTURES

17) The roads on New Caledonia's mainland and throughout the provinces visited are all tar-sealed, making land communication very efficient. Roads on the Islands are similar or better than those found in the main centres of their neighbouring South Pacific Island countries while those on the mainland could match those found in industrialised countries.

18) The Provincial Centres also reflect the high investment being pumped into them. They are well equipped with modern and up-to-date equipment such as telephone systems, fax machines and computers, thus, linking them easily to outside world. Such development is still lacking in many rural areas in their neighbouring countries.

19) The airstrips visited in the provinces also reflect the development ongoing throughout the entire country. They are well constructed with very good office facilities.

THE LOYALTY ISLANDS PROVINCE WHARF (WE, LIFOU, ISLANDS PROVINCE)

20) While the Port of Noumea was initially developed to meet the needs of the Mining Industry is now the hub of an economy closely geared to world trade. It is served by 15 international shipping companies and handles 6 million tonnes of sea freight annually. Coastal shipping companies carry supplies to the Isles of Pines and Loyalty Islands.

21) Other port facilities are currently being developed, such as an industrial port at Neponi, a port for pleasure craft and fishing base at Koumac, fish and freight terminals at We, in Lifou, and Trading, in Mare. It is hoped that such investments will lead to specialisation of operations at each of these sites, though Noumea would retain its predominance.

22) The Loyalty Islands Province wharf is an 100-metre permanent wharf which services mainly incoming goods and a very limited volume of exports. This is probably due to the high cost of transportation between the province and Noumea, which makes it unattractive for people in the Loyalty Islands to market their products through the capital. Although the potential of agricultural produce such as vanilla and avocado is high, arrangements would be required to decrease the costs of inter-province transportation of goods.

TOURISM DEVELOPMENTS

23) Tourism is an-up-coming industry in New Caledonia. While the majority of tourists come from metropolitan France, a third come from Japan. Its hotel facilities meet the highest international standard. The improvement in sea and airport facilities has helped to boost the development of hotels and their occupancy rates. Currently, there are, 6 turnaround flights a week to Paris, five to Sydney, four to Tokyo, three to Auckland, Guam and Brisbane and one to Melbourne.

24) Despite the number of disadvantages which include the high cost of the destination and isolation from certain high potential markets, the territory is starting to make a name for itself despite strong competition from other Pacific destinations with well established reputations. With its diversified activities such as golf, casinos, diving and deep sea fishing, it is starting to reap the benefits of an attractive image, not only that of an exotic island, but also that of a territory endowed with an original as well as a diverse nature, where Melanesian and French cultures mingle. The opening of the Tjibaou Cultural Centre is an added attraction.

25) In 1997, more than 100,000 visitors arrived in the territory and despite the Asian crisis, the tourist arrivals remained stable in 1998.There are plans for several new hotels to be built, both high class facilities on the Noumea waterfront and resorts on other outstanding sites.

DREHU VILLAGE HOTEL (LIFOU, ISLANDS PROVINCE)

26) The Lifou Hotel, built at the cost of US$ 3.6 million, comprises 20 traditional style bungalows. It has very good facilities and is situated on a waterfront location. It has an annual occupancy rate of about 70-80%. Most of the tourists it receives are from the mainland who go there to escape urban life. It was noted that the tourism industry has a very high potential on the island because of its rich culture and clean environment especially the pristine beaches and ocean.

THE TJIBAOU CULTURAL CENTRE (NOUMEA, SOUTH PROVINCE)

27) The development of the Tjibaou Cultural Centre should be seen in the context of the Preamble on the Noumea Accord on New Caledonia 1.3.4 & 1.3.5 relating to Cultural Development and Tjibaou Cultural Center which states the following:-

1.3.4. - Kanak culture shall be enhanced in art education and in the media. Copyright shall be effectively protected.

1.3.5. - The State shall undertake to provide long term technical assistance and the necessary funding to the Tjibaou Cultural Center so that it may fully assume its role as an outreach centre for the Kanak culture.

In connection with all such questions of cultural heritage, the State shall propose to New Caledonia the conclusion of a special agreement.

28) The impressive complex was officially opened in 1993. It was funded by the French Government in the amount of approximately US$60 million. It is a harmonious marriage of tradition and modernism.

29) The Centre houses art representative of Oceania, including exhibits from New Caledonia, New Zealand, Australia, Papua New Guinea and Solomon Islands. Children from the suburban and rural areas of New Caledonia attend study programmes at the Centre during which they learn about their culture through the different arts on display both in the buildings and the surrounding grounds. There is a place for meetings and discussion and a space for accommodation.

There are also replicas of tribal huts from the South and North of the Main Island and the Loyalty Islands which link the past to the present and offer the opportunity to discover Kanak traditional architectural diversity.

30) The four structures containing the media library constitute a special repository of information on the native cultures of the South Pacific. The worlds of the Kanak, other Melanesians, Aborigine, Maori, and all the Islands of the South Pacific can be accessed through 5,500 works in French and English, 150 periodicals, 600 CD and audio cassettes, 25 CD-ROM's, 65,000 photos. From each of the 19 work stations open to all, the new multi-media research and consultation system gives access to the media library catalogue, to 25 CD-ROM's and 220 audio CDs on network, to 150 videos and a selection of several hundred Internet sites.